

CITY OF NEWBERG COUNCIL MINUTES
DECEMBER 2, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. Fiscal policies were discussed and the department heads gave updates. No action was taken and no decisions were made. All councilors and the mayor were present.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:02 PM.

II. ROLL CALL

Members Present:	Mayor Bob Andrews Bart Riersen Lesley Woodruff	Denise Bacon Stephen McKinney	Ryan Howard Mike Corey
Staff Present:	Lee Elliott, City Manager Pro Tem Jay Harris, Civil Engineer Norma Alley, City Recorder	Truman Stone, City Attorney Barton Brierley, Planning & Building Director Nicole Tannler, Minutes Recorder	
Others Present:	Robert Soppe, John Freeman, Merle Smith, Cheryl McCaffrey, Mary Starrett, Bill Ciz, and Kelly Amador		

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGERS REPORT

Mr. Lee Elliott, City Manager Pro Tem, reported on Friday from 5:00-7:30 PM the Christmas tree lighting is at the library with Santa Claus lighting the tree. He said fiscal policies will be discussed soon and he is currently meeting with each individual councilor to discuss the fiscal year. In the first quarter the city is hoping to hire an economic development consultant and host a summit to further understand economic development.

V. PUBLIC COMMENTS

Mayor Andrews opened public comments.

Mr. Robert Soppe, resident, stated prior to a council meeting two and a half months ago he provided written comments to the Council. Six weeks ago he addressed council because he had not addressed them directly with the questions before he told staff he had not received a response and still has not. Mr. Soppe presented three questions to the council and staff: did he follow the proper procedure for submitting questions to the city council; is it unreasonable to expect a reply within two and a half months; and, if two and a half months is too short of a time, what is reasonable? The second issue he raised six weeks ago refers to the poor job done compiling and publishing the results of the citizens' satisfaction survey. This report sits on the city website for all to see. He stated he is disappointed; but, not surprised.

VI. COUNCIL APPOINTMENTS

1. Consider reappointing Allyn Edwards, Matthew Fortner, and Art Smith, to the Newberg Planning Commission serving terms expiring December 31, 2016.

MOTION: **Bacon/Howard** approving the reappointment of Allyn Edwards, Matthew Fortner, and Art Smith to the Newberg Planning Commission serving terms expiring December 31, 2016. Motion carried (7 Yes/0 No).

2. Consider reappointing Karl Birky and Dianna Cotter and appointing David Hostetler to the Traffic Safety Commission serving terms expiring December 31, 2016; and, appointing Chris Kelley to the Traffic Safety Commission serving a term expiring December 31, 2015.

MOTION: **Rierson/Corey** approving the reappointment of Karl Birky and Dianna Cotter and appointment of David Hostetler to the Traffic Safety Commission serving terms expiring December 31, 2016; and, the appointment of Chris Kelley to the Traffic Safety Commission serving a term expiring December 31, 2015. Motion carried (7 Yes/0 No).

VII. CONSENT CALENDAR

1. Consider approving a Proclamation honoring fallen Police Reserve Officer Robert Libke and supporting the City of Oregon City as it heals from this terrible tragedy.
2. Consider a motion approving the city council minutes from October 7, October 21, and November 4, 2013.

MOTION: **Rierson/Woodruff** approving Proclamation honoring fallen Police Reserve Officer Robert Libke and supporting the City of Oregon City as it heals from this terrible tragedy and a motion approving the city council minutes from October 7, October 21, and November 4, 2013 as amended. Motion carried (1 Yes/0 No).

VIII. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2013-2766** amending the transportation system plan to reflect the Phase I alignment of the Newberg-Dundee Bypass.

TIME – 7:12 PM

Mayor Andrews stated at the last council meeting public comments were closed on Ordinance No. 2013-2766 and asked the council if they would like to reopen it due to the amount of the public wanting to speak on the topic today.

MOTION: **Rierson/Bacon** opening the record to allow additional public comments for **Ordinance No. 2013-2766** a second time. Motion carried (7 Yes/0 No).

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, planning and building director, presented the staff report including a PowerPoint slideshow (see official meeting packet for full report).

Ms. Cheryl McCaffrey, member of the Ladd Hill Association, commented on the economic interest statement (EIS) in 2002 with concern of traffic on Wilsonville Road. The response was there will not be an impact on Wilsonville Road. She said she believes the problem will move from Dundee to Wilsonville Road and Newberg. The neighborhood association observed the Oregon Department of Transportation (ODOT) had not studied the impact on Wilsonville Road. The association gave a proposal to have Springbrook meet at the bypass and not change the intersection because Wilsonville Road is a dangerous road.

Ms. Mary Starett, member of the Ladd Hill Association, stated those of us who use that road have the tragedy that can occur on Wilsonville Road. They are concerned the accidents would increase and from what ODOT has projected.

Mr. Meryl Smith, resident, has seen the changes in both Wilsonville and Sherwood and looks forward to the Newberg-Dundee Bypass, but realizes what is generating discussion now is safety. She asked council to please consider the suggestions for change in regards to safety.

Mr. John Freeman, member of the Ladd Hill Association, said he has given written testimonies to the council (see official meeting packet for full report). ODOT continues to ignore the problems with traffic on Wilsonville Road and their study does not include current configurations. The association hired a company to examine ODOT's study and the report informed us ODOT never conducted a traffic study. He stated ODOT intentionally misled the public in regards to Wilsonville Road. The bid and contract will not be done until 2015, and he does not believe it will delay this project as they have told you. The association asks the council to give approval only if ODOT makes these two changes. They do not want to stop ODOT and they want this bypass to be successful. Council has the opportunity to fix this problem created by ODOT and he encouraged them to make these two changes.

Councilor McKinney asked how the bypass would be signed for north and south and what is the suggested signage from ODOT. Mr. Freeman said they never committed to any particular signage until November 4, 2013, and any amount of signage will not be adequate because people will use their navigation systems. Councilor McKinney said he empathized and understands that road and navigation systems give multiple choices. He said there is no simple solution to fix this with ODOT and he believes the greatest hope is in how the interchange is signed. He does not envision a simple change and thinks it would be very difficult.

Mr. Freeman said he had a conversation with Clackamas county and was told it is out of their hands and ODOT has a very bureaucratic system for changes. He still believes it is possible and if the city can convince ODOT to make these changes it will work without delays.

Mayor Andrews asked if there will be some aggressive and additional signage. He has also heard discussions of going further back on the bypass to include signage. He said this is an ODOT project, not a city or county project. Ms. Kelly Amador, ODOT, said she believes that is going to happen.

Councilor Woodruff said she does not understand the statewide modeling. Mr. Bill Ciz, ODOT, said there is a statewide modeling before any large project. ODOT models a couple different land use models and examines traffic, road use, and land use. The bypass would only address traffic coming through Dundee and Newberg. There is a comparison of land uses in Newberg and ODOT divides that up into smaller zones and runs it under external influences. This generates future traffic zones based on land use plans.

Councilor Howard asked if there is a response to not taking Wilsonville Road into consideration. Mr. Ciz responded ODOT took the modeling done in 2005 and updated it to 2011 traffic counts. They did some cut-lines and found about 75% of traffic is destined for Newberg, 20% for St. Paul, and 5% for the coast. They do not believe anyone will take Wilsonville Road.

Councilor Rierson said there have been some compelling arguments from the public. He would be inclined to use Wilsonville Road to go north and thinks bad information can come from GPS units. He asked if there is a way the council could approve the ordinance without ruling out the suggestions of the Ladd Hill Association.

MOTION: **Rierson/Bacon** allowing acceptance of engineer report from ODOT. Motion carried (7 Yes/0 No).

Mr. Brierley said there is more traffic going through Highway 99W than through the gorge on I-84. It is a privilege to have ODOT build this bypass in our community. The council is being asked to incorporate phase 1 and recognize it. There are requests from residents and ODOT has committed to the signage and traffic reports. They are major changes and could cost anywhere from \$4,000,000.00-\$4,500,000.00 and delay the bypass up to 18 months. Springbrook Road is a city street and would be an expense to the city of Newberg as well. The long-range plan is still to have Wilsonville Road the old way once funding is available.

Councilor Howard said he recognizes the changes will cost money and add time, but time is not a deterrent to him. He is not firmly convinced Springbrook Road being used in phase 1 is a good idea and he is not supportive of the idea in its current form. He feels this is a forced solution without much thought because it is temporary. He believes if council takes more time and makes sure they are doing it the right way, they will end up with a better infrastructure in the end.

Councilor Bacon asked staff if council has the power to change the plan. Staff replied they do not.

Councilor Rierson asked what the effect would be if council did not pass this ordinance tonight. Staff did not have an answer but said not adopting it does not officially change it. Ms. Amador stated it would delay construction at least a year, if not longer.

Councilor Howard asked if this is approved and intersections are done by ODOT in phase 2, will it remain that way. Staff replied with the full bypass, there will not be changes; and it will remain a city street for Springbrook Road traffic.

Councilor McKinney thanked the public for their comments and said this is the best alternative to what they have for the continuation of the bypass.

Councilor Bacon said she will unhappily vote yes on this. She agrees what is going to happen is dangerous and there will not be another phase to this bypass. She will vote yes to equalize the paperwork.

Councilor Corey said he is also concerned and the project is not a perfect plan, but signage will help. He thinks the project will be stalled after phase 1, but the alternative of spending more dollars is not an option. There are no funds to do this, so he will be voting yes.

Councilor Rierson said he will be voting in favor with difficulty. He understands the requests are not simple, but would like to see an amendment and continue to work with ODOT for some way to incorporate this.

Mayor Andrews said he will also vote yes and spoke of the city's forum in the Parkway Committee to discuss this problem. He does not believe there will not be a full build out said they need to keep a fire under ODOT and legislation. He agrees with the concerns and thanked them for giving council some insights to pursue modifications in the future.

Councilor McKinney said this council is devoted to the completion of the bypass and he thinks all are best served by keeping on track. He thanked Mayor Andrews for reminding everyone of the full completion of the bypass.

MOTION: McKinney/Woodruff adopting **Ordinance No. 2013-2766** amending the transportation system plan to reflect the Phase I alignment of the Newberg-Dundee Bypass. Motion carried (6 Yes/1 No [Howard]).

IX. NEW BUSINESS

Consider a motion adopting **Ordinance No. 2013-2767** amending the code provisions for the Citizens' Rate Review Committee effective December 3, 2013.

TIME – 8:36 PM

Mr. Truman A. Stone, city attorney, presented the staff report (see official meeting packet for full report).

MOTION: Rierson/Bacon waiving second reading of **Ordinance No. 2013-2767** amending the code provisions for the Citizens' Rate Review Committee effective December 3, 2013. Motion carried (7 Yes/0 No).

MOTION: Bacon/Rierson adopting **Ordinance No. 2013-2767** amending the code provisions for the Citizens' Rate Review Committee effective December 3, 2013. Motion carried (7 Yes/0 No).

X. COUNCIL BUSINESS

Discussion on the Villa Road Sidewalk Improvements with Interim Public Works Director/City Engineer Jay Harris and City Attorney Truman Stone.

TIME – 8:42 PM

Mayor Andrews pulled this item from the agenda.

XI. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(2)(e) relating to a real property transaction.

Mayor Andrews opened the executive session at 8:45 PM and closed the executive session at 9:28 PM.

MOTION: Rierson/Bacon to authorize staff to negotiate a lease for the area adjacent to and above the Oliver Springs. Motion carried (7 Yes/0 No).

2. Executive Session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Andrews opened the executive session at 9:29 PM and closed the executive session at 10:03 PM.

MOTION: Howard/Rierson directs staff to negotiate with property owners to purchase right of way for the construction of side walk. Motion carried (7 Yes/0 No).


XII. ADJOURNMENT

The meeting adjourned at 10:12 PM.

ADOPTED by the Newberg City Council this 17th day of March, 2014.


Jennifer L. Nelson, Acting City Recorder

ATTEST by the Mayor this 20th day of March, 2014.


Bob Andrews, Mayor